

## **A-6369 Special Permit Request**

Install a pair of handrails measuring a maximum of thirty (30) inches in length on either side of existing steps in the East Lenox Street public right-of-way. The proposed handrails would terminate six (6) inches from the public sidewalk.

Ms. Marjorie Zapruder  
10 East Lenox Street

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**CHEVY CHASE VILLAGE  
BOARD OF MANAGERS  
JULY 8, 2013 MEETING  
STAFF INFORMATION REPORT**

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**TO:** BOARD OF MANAGERS  
**FROM:** ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR  
**DATE:** 7/3/2013  
**SUBJECT:** HEARING OF APPEAL CASE NO. A-6369 SPECIAL PERMIT REQUEST  
MS. MARJORIE ZAPRUDER, 10 EAST LENOX STREET  
INSTALL A PAIR OF HANDRAILS MEASURING A MAXIMUM OF THIRTY (30) INCHES IN LENGTH ON  
EITHER SIDE OF EXISTING STEPS IN THE EAST LENOX STREET PUBLIC RIGHT-OF-WAY. THE  
PROPOSED HAND RAILS WOULD TERMINATE SIX (6) INCHES FROM THE PUBLIC SIDEWALK.

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**CASE SYNOPSIS:** The Applicant requests permission to install a pair of handrails in the East Lenox Street public right-of-way. Handrails are currently considered "structures" for the purposes of the Village Code and thus require a special permit to be installed in the public right-of-way.

**IMPORTANT ASPECTS:**

- No changes to the existing private walkway
  - There are two risers in the walkway, the second of which is located three (3) inches from the public sidewalk
  - The property is located in the CCV Historic District. The project will require Historic Preservation Commission (HPC) approval; the applicant is on the July 10 HPC agenda
  - Will require a license to use the public right-of-way (does not require additional Board approval)
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**NOTICE REQUIREMENTS:** Abutting Owners; Public Notice

**APPLICABLE CHEVY CHASE BUILDING REGULATION:**

**The Chevy Chase Village Code § 25-6 (c) states:**

Except as provided in Section 25-6(b), no structures, play equipment, fence, wall, tree, hedge or shrubbery, or any growth shall be permitted on public property devoted to private use without a special permit from the Board of Managers.

**APPLICABLE COVENANTS:**

Not applicable; Verification of compliance with the property's covenants is not required for Special Permit requests authorized by Sections 8-22 [fences], 8-26 [driveways] or Chapter 25 [Public Rights-of-Way] of the Village Code.

#### FACTUAL AND BACKGROUND INFORMATION:

The existing two risers are required by grade to get from the public sidewalk to the private front walkway.

No work is proposed on the steps or walkway.



Figure 1: View 10 East Lenox Street. The last riser is located three (3) inches from the public sidewalk.

The bottom posts of the proposed handrails would be located on the tread of the step. The volutes of the hand rails (see image provided by the Applicant) would extend slightly past the posts, terminating six (6) inches from the public sidewalk.

There are no tree impact concerns related to the proposed work.

To date there have been no letters received from abutting and confronting neighbors regarding the requests.

Applicable Fees: Building Permit Application (for structures in the public right-of-way): \$50;  
Special Permit Fee: \$300; TOTAL: \$350.

#### RELEVANT PRECEDENTS

In February 2013, Mr. & Mrs. Alex Sternhell were granted a special permit to install a pair of handrails alongside a pair of cheekwalls on either side of a set of steps located in the Primrose Street public right-of-way. In January 2012, Mr. & Mrs. Peter Keisler of 20 Magnolia Parkway were granted permission to **install** a handrail alongside a private walkway in the Magnolia parkway public right-of-way. On December 12, 2011, Mr. & Mrs. Stewart Bainum of 12 Primrose Street were granted a request to **install** a pair of handrails, each measuring nine (9) feet in length, on either side of the front steps located in the Primrose Street public right-

of-way. In addition to these recent cases, there are many examples of iron handrails in similar locations within the Village public rights-of-way, although we do not have records of issuing permits or licenses for the installation of these structures.

**FINDINGS REQUIRED:**

1. The proposed special permit would not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties;
  2. The proposed special permit can be granted without substantial impairment of the intent and purpose of this chapter; and
  3. For all special permits, except for special permits authorized by Sections 8-22, 8-26 or Chapter 25 of the Village Code, the structure authorized by the proposed special permit would not violate any covenant applicable to the property [not applicable in this case].
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**Draft Motion**

I move to direct staff to draft a decision **APPROVING/DENYING** the special permit request in case A-6369, to install a pair of hand rails in the East Lenox Street public right-of-way, based on the findings that ...



**CHEVY CHASE VILLAGE  
NOTICE OF PUBLIC HEARING**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 8<sup>th</sup> day of July 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6369  
MS. MARJORIE ZAPRUDER  
10 EAST LENOX STREET  
CHEVY CHASE, MARYLAND 20815**

The applicant seeks a special permit from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to install a pair of handrails measuring a maximum of thirty (30) inches in length on either side of existing steps in the East Lenox Street public right-of-way. The proposed handrails would terminate six (6) inches from the public sidewalk.

**The Chevy Chase Village Code §25-6 (c) states:**

Except as provided in Section 25-6(b), no structures, play equipment, fence, wall, tree, hedge or shrubbery, or any growth shall be permitted on public property devoted to private use without a special permit from the Board of Managers.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or you may contact the office for this information to be mailed to you.


This notice was mailed to abutting and confronting property owners on the 27<sup>th</sup> day of June, 2013.

**Chevy Chase Village Office  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
301-654-7300**

**MAILING LIST FOR APPEAL A-6369**

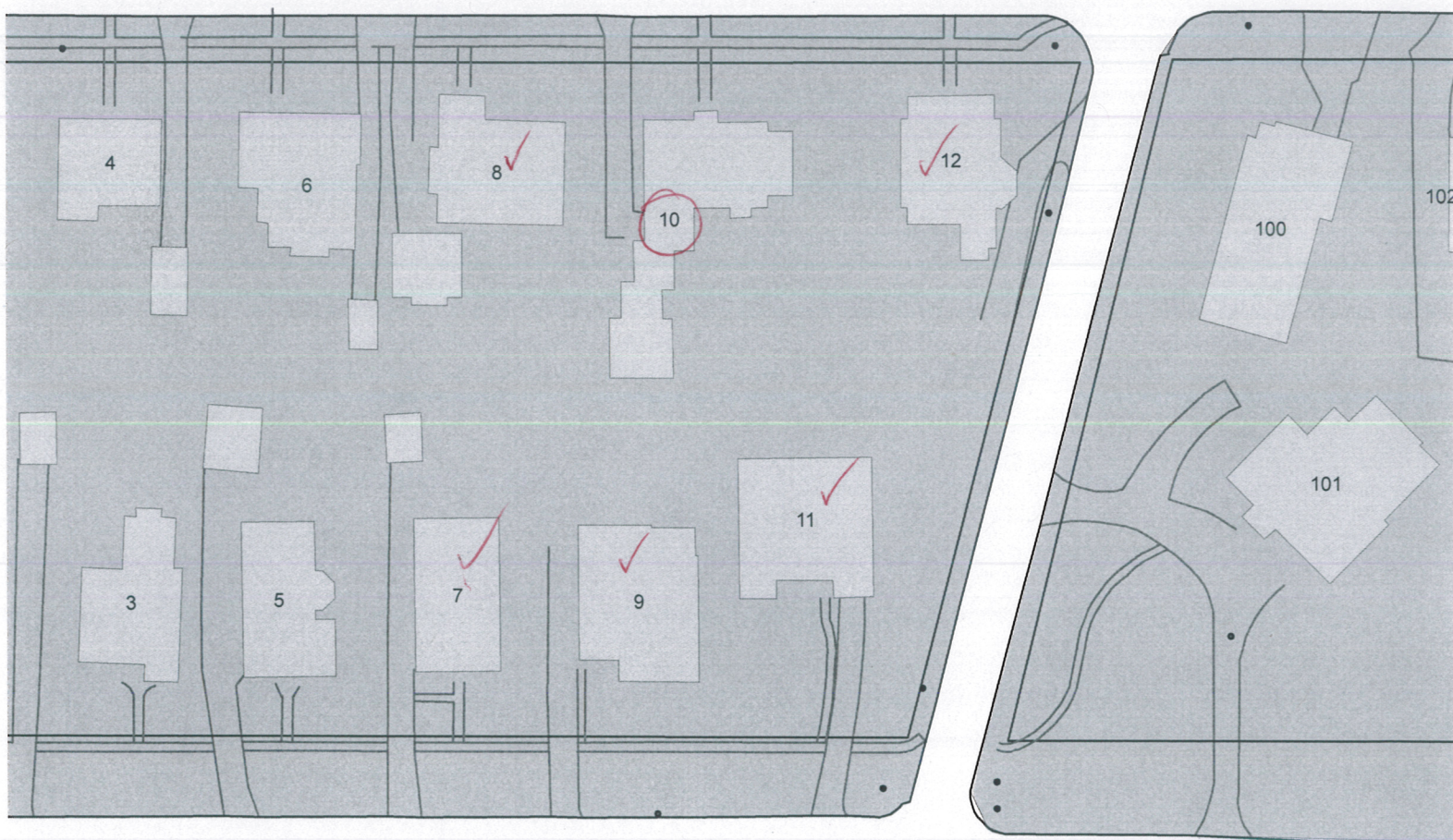
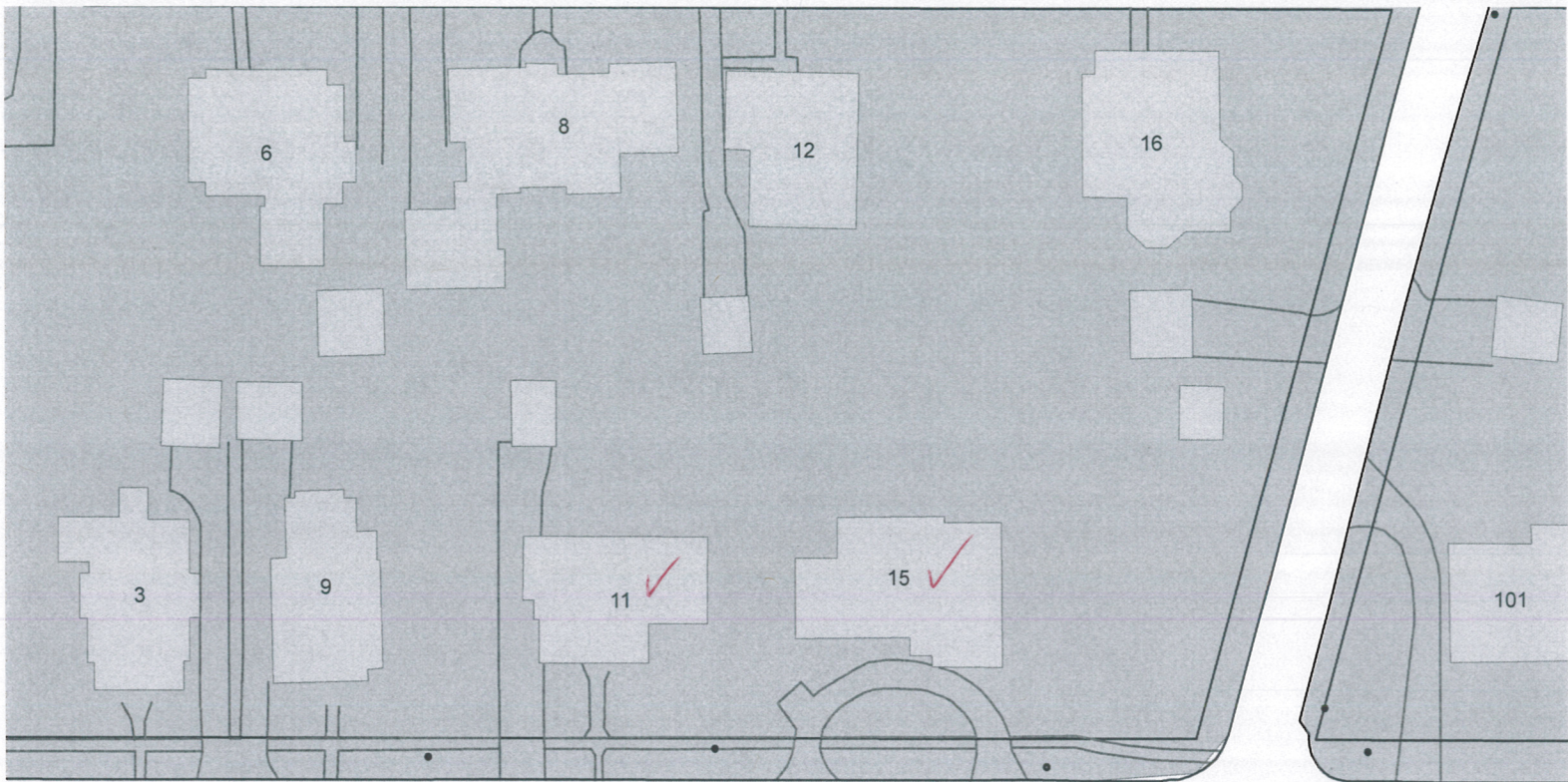
**MS. MARJORIE ZAPRUDER  
10 EAST LENOX STREET  
CHEVY CHASE, MD 20815**

<b>Adjoining and confronting property owners</b>	
Ms. Elizabeth D. Davis Or Current Resident 11 East Lenox Street Chevy Chase, MD 20815	Ms. Laura Winslow Or Current Resident 15 East Lenox Street Chevy Chase, MD 20815
Mr. & Mrs. Paul C. Gallagher Or Current Resident 8 East Lenox Street Chevy Chase, MD 20815	Mr. & Mrs. Justin W. Bausch Or Current Resident 12 East Lenox Street Chevy Chase, MD 20815
Mr. & Mrs. Jud Parmer Or Current Resident 7 East Kirke Street Chevy Chase, MD 20815	Mr. & Mrs. Arch Campbell Or Current Resident 11 East Kirke Street Chevy Chase, MD 20185
Mr. & Mrs. Christopher C. Matthews Or Current Resident 9 East Kirke Street Chevy Chase, MD 20815	

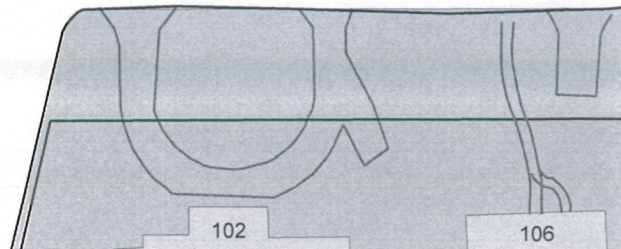
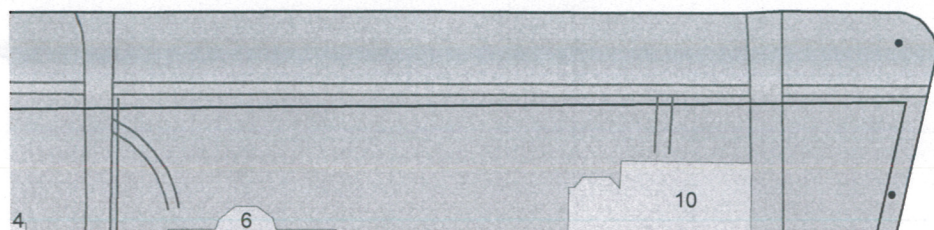
  
I hereby certify that a public notice was mailed to the aforementioned property owners on the 27<sup>th</sup> day of June 2013.

**Ellen Sands  
Permitting and Code Enforcement Coordinator  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815**





• E KIRKLE





# CHEVY CHASE VILLAGE

ESTABLISHED 1890

June 27, 2013

Ms. Marjorie Zapruder  
10 East Lenox Street  
Chevy Chase, MD 20815


Dear Ms. Zapruder:

Please note that your request for a special permit to install a pair of handrails in the East Lenox Street public right-of-way abutting your property is scheduled before the Board of Managers on Monday, July 8, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands  
Permitting and Code Enforcement  
Chevy Chase Village

Enclosures

## CHEVY CHASE VILLAGE

5906 Connecticut Avenue  
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov

www.chevychasevillagemd.gov

## BOARD OF MANAGERS

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*Vice Chair*

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*Board Member*

VILLAGE MANAGER  
SHANA R. DAVIS-COOK

LEGAL COUNSEL  
SUELLEN M. FERGUSON

**Chevy Chase Village  
Building Permit Application**

Permit No: A-6369

<b>Property Address:</b> <u>10 East Lenox Street</u>	
<b>Resident Name:</b> <u>Marjorie Zapruder</u>	
Daytime telephone: <u>301-656-2014</u>	Cell phone: <u>202-390-5070</u>
After-hours telephone: <u>same</u>	
E-mail: <u>henryzee</u>	
<b>Project Description:</b> <u>hand railings for steps leading to door of 10 East Lenox Street</u>	
<input type="checkbox"/> Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.	
<b>Primary Contact for Project:</b>	
<input checked="" type="checkbox"/> Resident <input type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor*	
*MHIC/MD Contractor's License No. (required):	
<b>Information for Primary Contact for Project (if different from property owner):</b> <u>NA</u>	
Name:	
Work telephone:	After-hours telephone:
Cell phone:	
E-mail:	
<b>Will the residence be occupied during the construction project?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If no, provide contact information for the party responsible for the construction site (if different from above):	
Name:	
Address:	
Work telephone:	After-hours telephone:
Cell phone:	
E-mail:	
<b>Parking Compliance:</b> <u>NA</u>	
Is adequate on-site parking available for the construction crews? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area.	
Will road closings be required due to deliveries, equipment or other reasons? <input type="checkbox"/> Yes <input type="checkbox"/> No	



**Building Permit Filing Requirements:**  
**Application will not be reviewed until the application is complete**

- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☐ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

*Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.*

*If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.*

*No signs advertising the architect, contractor, or any other service provider may be posted on the work site.*

**I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.**

**Applicant's Signature:** Marjorie Zepender **Date:** 6/11/13

*To be completed by Village staff:*

Is this property within the historic district? Yes ☒ No ☐ Staff Initials: GB  
Date application filed with Village: 6/11/13 Date permit issued: \_\_\_\_\_ Expiration date: \_\_\_\_\_

For Use By Village Manager	Application approved with the following conditions:
<div style="border: 2px solid black; padding: 5px; text-align: center;"> <b>DENIED</b>  JUN 18 2013  Chevy Chase  Village Manager </div>	Application denied for the following reasons:

<b>Filing Fees</b> (due when application submitted)	<b>Checks Payable to:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: \$ <u>50.00</u> (see Permit Fee Worksheet) <input checked="" type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project.	
TOTAL Fees: <u>\$50.00</u>	Date: <u>6/11/13</u> Staff Signature: <u>[Signature]</u>

<b>Damage Deposit/Performance Bond</b> (due when permit is issued)	<b>Checks Payable to:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Village Manager Signature:
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: Village Manager Signature:

## Chevy Chase Village

# Application for a Special Permit

*Chevy Chase Village Code Section 8-1(aa) defines a Special Permit as permission granted by the Board of Managers in accordance with Article II Division B of this Chapter [8], to construct, install, remove or alter a structure or planting, or take other action where such permission is required by this Chapter.*

Subject Property: <u>10 East Linox St.</u>	
Describe the Proposed Project: <u>SAFETY RAILINGS for front steps and steps to sidewalk.</u>	
Applicant Name(s) (List all property owners): <u>Marjorie Zepender</u>	
Daytime telephone: <u>301-656-2014</u>	Cell: <u>202-390-5070</u>
E-mail: <u>henryzee@aol.com</u>	
Address (if different from property address):	
For Village staff use:	
Date this form received: <u>6/11/13</u>	Special Permit No: <u>A-6369</u>

### Filing Requirements:

**Application will not be accepted or reviewed until the application is complete**

- ☐ Completed *Chevy Chase Village Application for a Special Permit* (this form)
- ☐ Completed *Chevy Chase Village Building Permit Application*
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants, except for special permits authorized by Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Applicable special permit fee listed in Chapter 6 of the Village Code.

### Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this special permit request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Marjorie Zepender

Applicant's Signature: \_\_\_\_\_

Date: 6/11/13

Date: \_\_\_\_\_



**Describe the basis for the special permit request** (attach additional pages as needed):

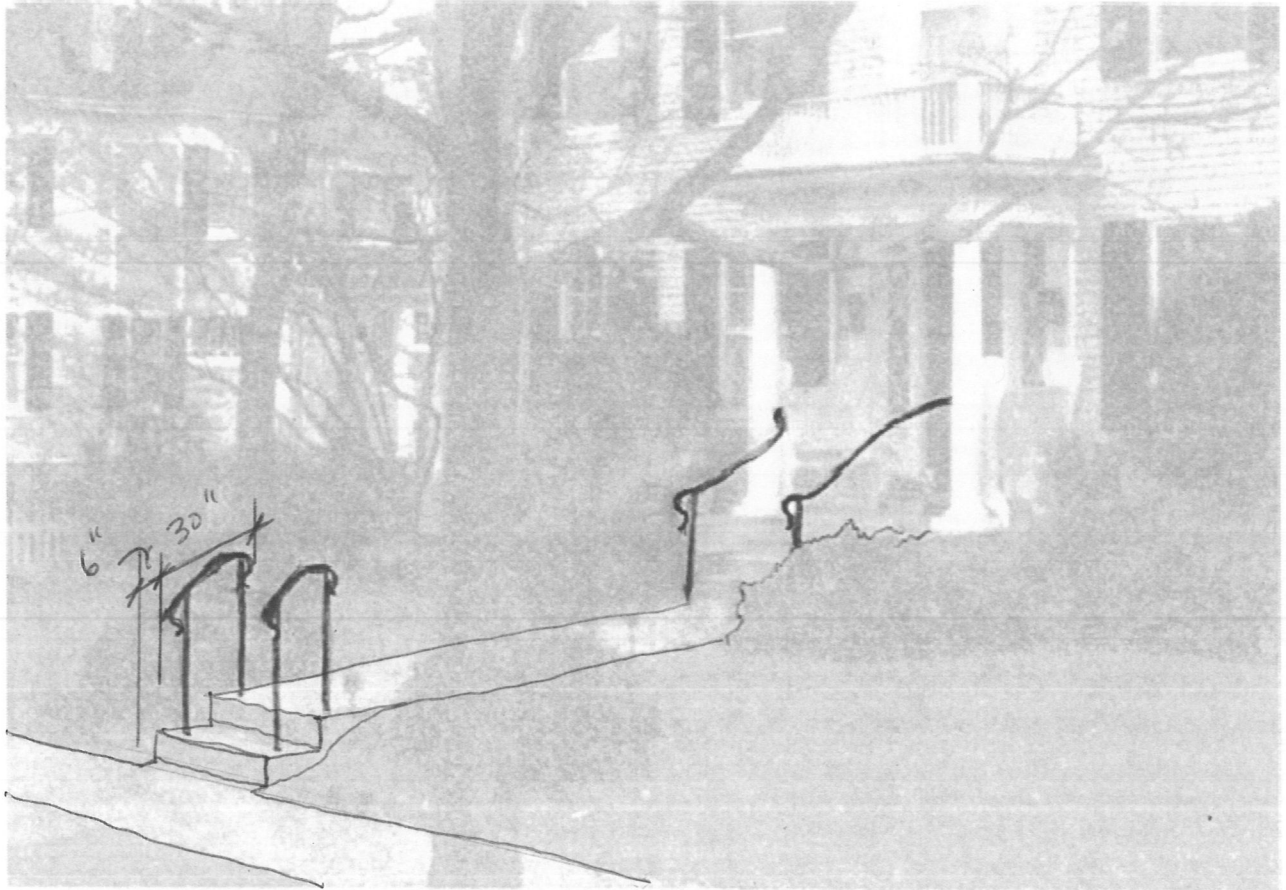
Describe the reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

*This project is to provide hand railings for safety purposes only.*

Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

*In exercising its powers in connection with a special permit request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.*

<b>Special Permit Filing Fees</b>	<b>Checks Payable To:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$2,250.00 for demolition of main building. <input type="checkbox"/> \$300.00 for demolition of accessory building or structure. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <b>Fee Paid:</b> <i>\$300.00</i>	<b>Date Paid:</b> <i>6/11/13</i> <b>Staff Signature:</b> <i>[Signature]</i>
	<b>Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on:</b>  <b>Date:</b> _____  <b>Signature:</b> _____ <b>Village Manager</b>



**Proposed Railings**



# SITE PLAN

BLOCK 36  
SECTION 2 - CHEVY CHASE  
Montgomery County  
Maryland

Date August 15, 1974

Case No. 16891

## SURVEYOR'S CERTIFICATE

We hereby certify that we have carefully surveyed the property shown hereon in accordance with the descriptions of record and; have located all of the improvements shown hereon by transit-tape survey and; that there are no encroachments either way across property lines other than shown.

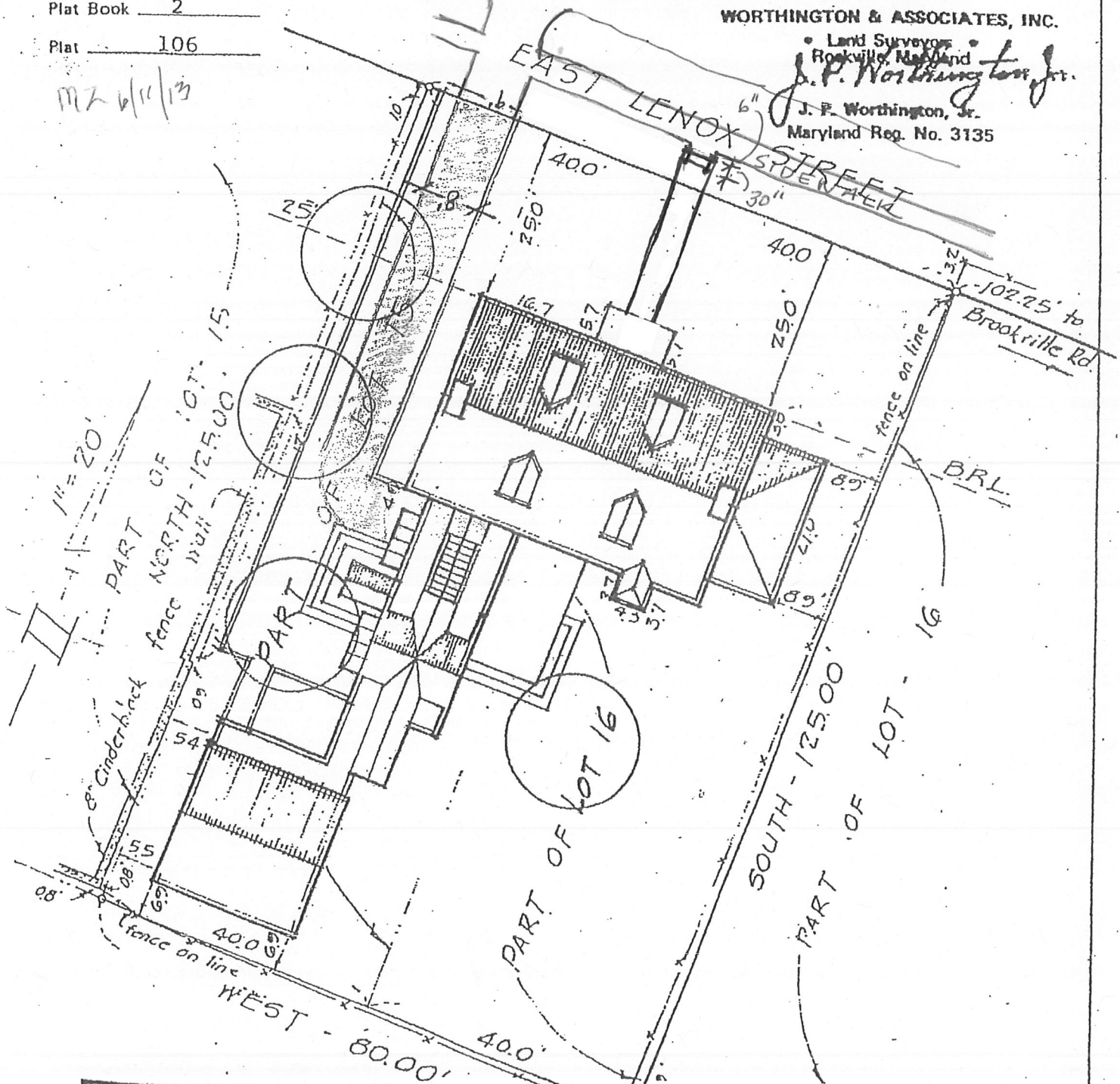
Plat Book 2  
Plat 106

*MZ 6/11/13*

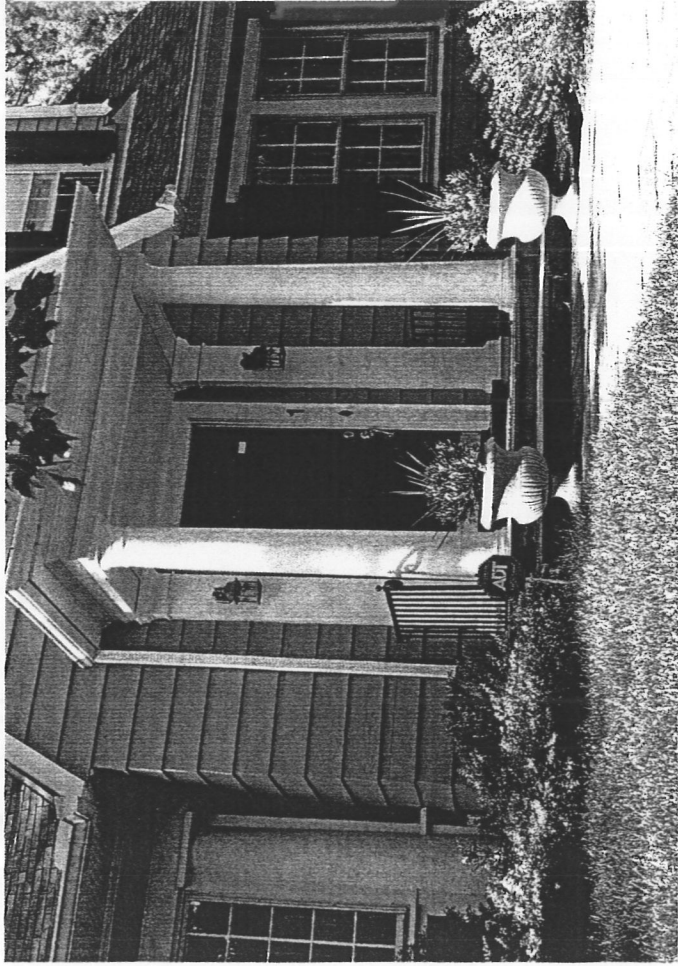
WORTHINGTON & ASSOCIATES, INC.

Land Surveyors  
Rockville, Maryland

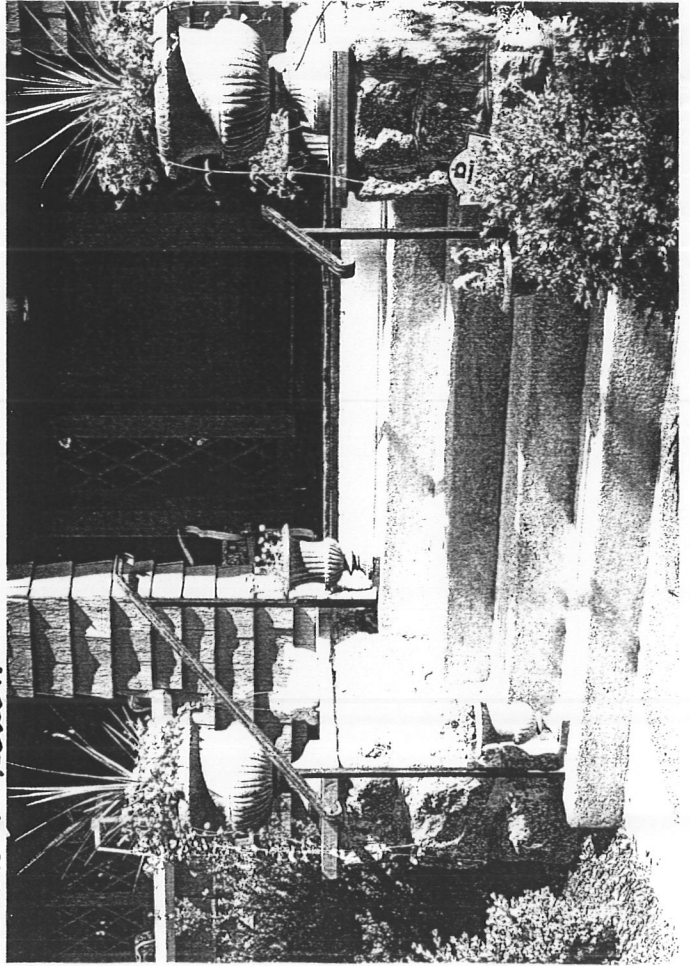
*J. P. Worthington, Jr.*  
J. P. Worthington, Jr.  
Maryland Reg. No. 3135



1 East Lenox

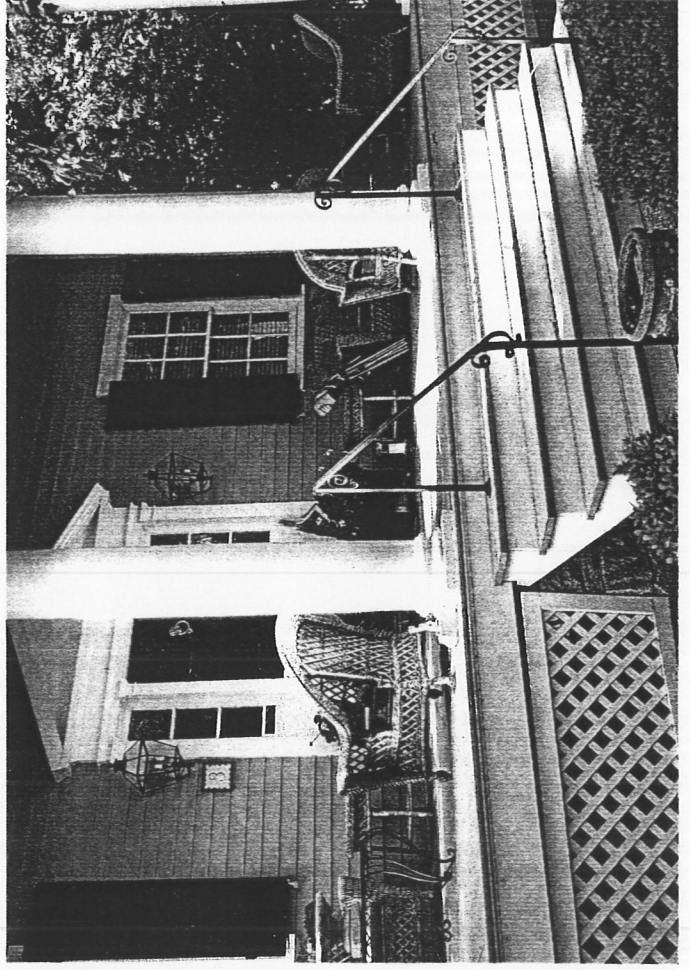


6 East Lenox



Examples of similar railings located in  
the Chevy Chase Village Historic District

3 East Lenox



Chevy Chase Village

## Website Posting Notice

### for Appeal, Special Permit & Variance Hearings

Case Number: A-6369

Hearing Date: July 8, 2013

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <[www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov)> for review by the general public.

Applicant/Appellant Name: Marjorie Zapruder

Address: 10 East Lenox Street, Chevy Chase, MD 20815

Telephone: 301-656-2014

E-mail: henryzee@aol.com

Applicant/Appellant Signature: Marjorie Zapruder

Agent Name for applicant/appellant (if necessary):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials: JS

Date: 6/11/13